

MEMORANDUM

TO: Governing Board Members

FROM: Sharon M. Trost, P.G., AICP, Director, Regulation Division

DATE: August 1, 2011

SUBJECT: Authorize Publication of a Notice of Rule Development to: 1) transfer Rule 40E-30.302, F.A.C., to Chapter 40E-3, F.A.C.; 2) repeal remaining rules in Chapter 40E-30, F.A.C.; 3) amend Rules 40E-3.010, 40E-3.021, 40E-3.036, 40E-3.038, 40E-3.101, 40E-3.411, 40E-3.507, 40E-3.512, 40E-3.517, and 40E-3.521, F.A.C., in order to incorporate updated water well construction standards and forms adopted by the Florida Department of Environmental Protection; 4) repeal duplicative rules; and, 5) add a new rule creating a general permit for specific water wells in Chapter 40E-3, F.A.C., after approval by the Office of Fiscal Accountability and Regulatory Reform.

Recommendation:

Staff recommends authorization to publish a Notice of Rule Development in the Florida Administrative Weekly to: 1) transfer Rule 40E-30.302, F.A.C., to Chapter 40E-3, F.A.C., to move general water well permit by rule presently in Chapter 40E-30, F.A.C.; 2) repeal remaining rules in Chapter 40E-30, F.A.C.; 3) amend Rules 40E-3.010, 40E-3.021, 40E-3.036, 40E-3.038, 40E-3.101, 40E-3.411, 40E-3.507, 40E-3.512, 40E-3.517, and 40E-3.521, F.A.C., titled Review of Water Well Permit Applications; Definitions; Rules and Publications Incorporated by Reference; Violations of Contractor Licensing and Well Construction Requirements; Content of Application; Well Completion Reports; Casing and Liner Pipe Standards; Well Construction Requirements; Grouting and Sealing; and Well Seals, respectively, in order to incorporate construction standards and forms adopted by the Florida Department of Environmental Protection (FDEP); 4) repeal duplicative rules; and, 5) add a new rule creating a general permit for specific water wells in Chapter 40E-3, F.A.C.

Background:

The South Florida Water Management District (District) has been delegated responsibility for implementing the water well permitting and water well contractor licensing programs set forth in Part III, Chapter 373, F.S. However, the FDEP prescribes the minimum standards governing the location, construction, repair, and abandonment of water wells. Section 373.337, F.S., requires the District to adopt these minimum standards and forms.

On October 7, 2010, the FDEP amended Chapter 62-532, F.A.C. The amendments changed various construction standards and the Statewide Construction/Repair/Abandonment of Wells Application and Well Completion Report. FDEP worked closely with the water well contracting industry, water management

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districts, and various stakeholders to revise the criteria and forms. The District must now adopt the revised standards and new forms developed in accordance with Section 373.337, F.S., and the 2004 Interagency Agreement between the FDEP, District, and Department of Health. The proposed rule development will also include the adoption of the District's updated Water Well Contractor Licensee Application, Contractor license Renewal, and License Certification forms as well as repealing the Well Inspection Scheduling Card.

The District also proposes repeal of various provisions identified as duplicative and unnecessary in the District's rule review. The District will move the general permit by rule for agricultural wells in a specified portion of southern Miami-Dade County that are 25 feet or less in depth from Chapter 40E-30, F.A.C., to Chapter 40E-3, F.A.C., and repeal the remainder of Chapter 40E-30, F.A.C.

This rulemaking effort was included in the Annual Regulatory Plan submitted to the Office of Fiscal Accountability and Reform. The proposed Notice of Rule Development will be sent to OFARR in accordance with Executive Order No. 11-72. The adoption and incorporation of the rules and forms will ensure consistency between the FDEP, the District, and the local agencies to which the District has delegated implementation of the water well permitting program.

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